

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 v.)

10 GEORGE ELLIOTT KABACY, M.D.,)

11 Defendant.)
12

NO. CR07-5021 FDB

FINAL ORDER OF FORFEITURE

13 THIS MATTER comes before the Court on motion of the United States for entry
14 of a Final Order of Forfeiture with respect to the properties listed below.

15 On April 29, 2008, this Court entered a Preliminary Order of Forfeiture in the
16 above-captioned case forfeiting defendant George Elliott Kabacy, M.D.'s interest in each
17 of the properties listed below. The properties listed in (a) and (b) below are subject to
18 forfeiture pursuant to Title 18, United States Code, Section 2253(a), as property used and
19 intended to be used to commit the offense to which the defendant pleaded guilty, that is,
20 Possession of Visual Depictions of Minors Engaged in Sexually Explicit Conduct, in
21 violation of Title 18, United States Code, Section 2252(a)(4)(B). The property listed in
22 (c) below, is subject to forfeiture pursuant to Title 18, United States Code, Section
23 2253(a), because it constitutes the visual depictions themselves.

24 Following publication of due notice as prescribed by Title 18, United States Code,
25 Section 2253(m), no petitioners or claimants have come forth to assert an interest in the
26 forfeited properties. Accordingly,

27 IT IS ORDERED, ADJUDGED and DECREED that the following properties
28 seized from George Elliott Kabacy, M.D are hereby fully and finally condemned and

1 forfeited to the United States in their entirety:

- 2 (a) One (1) Compaq Presario desktop computer, S/N CNH53208W5;
- 3 (b) Thirty-six (36) compact discs containing images of child
4 pornography; and
- 5 (c) Any and all visual images of minor children engaged in sexually
6 explicit conduct.

7 No right, title, or interest to the above-described properties shall exist in any other
8 party. The United States Marshals Service, is authorized to dispose of the above-
9 described properties in accordance with law. Specifically, the depictions and images
10 listed in (c) above shall be destroyed or retained for official (investigative) use by the
11 Attorney General pursuant to Title 18, United States Code, Section 2253(g).

12 The Clerk of the Court is hereby directed to send a copy of this Final Order of
13 Forfeiture to all counsel of record and to send three (3) "raised seal" certified copies to
14 the United States Marshals Service in Seattle, Washington.

15 DATED this 1st day of June, 2009.

16
17 

18 FRANKLIN D. BURGESS
19 UNITED STATES DISTRICT JUDGE
20

21 Presented by:

22 s/Richard E. Cohen

23 RICHARD E. COHEN

24 Assistant United States Attorney

25 United States Attorney's Office

26 700 Stewart Street, Suite 5220

27 Seattle, Washington 98101-1271

28 Telephone: 206-553-2242

Fax: 206-553-6934

E-Mail: Richard.E.Cohen@usdoj.gov